

WC 04-438

DATE STAMP COPY

Before the
Federal Communications Commission
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of

Carmel Telephone Services, Inc.
d/b/a SusCom

RECEIVED

DEC - 6 2004

For Authority Pursuant to Section 214 of the
Communications Act of 1934, and Sections
63.61 and 63.71 of the Commission's Rules for
Authority to Discontinue Domestic Telephone Service

Federal Communications Commission
Office of Secretary

I. SECTION 63.71 APPLICATION

Carmel Telephone Services, Inc. d/b/a SusCom ("SusCom"), through its undersigned counsel, hereby requests authorization pursuant to Section 214 of the Communications Act of 1934, as amended, and Sections 63.61 and 63.71 of the Commission's Rules, to discontinue the provision of local and domestic toll services to SusCom subscribers who geographically reside in portions of the communities of Beacon, Billings, East Fishkill, Wappinger Falls, Hillside Lake, and Poughquag in Dutchess County, New York¹.

As further set forth below, only a very small number of subscribers will be affected, and all such subscribers will have alternatives readily available for the provision of replacement local and toll services. SusCom is working closely with the New York

¹ A letter was also filed today with the Commission's International Bureau pursuant to Section 63.19 of the Commission's rules to discontinue international services to these same subscribers.

State Public Service Commission, Frontier Communications of Sylvan Lake (Sylvan Lake), the incumbent local exchange carrier, and the affected customers, to assure minimum inconvenience. Therefore, the granting of this application will not adversely affect either the present or future public convenience and necessity.

In support of this application, it is respectfully shown as follows.

II. DESCRIPTION OF APPLICANT

SusCom is a corporation organized and existing under the laws of the State of New York with offices at 140 East Market Street, York, Pennsylvania 17401. SusCom is a subsidiary of Susquehanna Cable Company, which in turn is a subsidiary of Susquehanna Media Company. All the common stock of Susquehanna Media Company is owned by Susquehanna Pfaltzgraff Company, a privately-held corporation.

Susquehanna Cable Company is currently a leader in delivering leading-edge technology to cable and broadband customers, and is in the process of expanding its product offerings to telephone services.

SusCom possesses a Certificate of Public Convenience and Necessity from the New York State Public Service Commission, and is authorized to provide facilities-based telephone services, including local exchange dial tone services, in the State of New York. SusCom currently provides such local exchange and toll service to customers in portions of Dutchess, Putnam and Westchester counties in New York State. SusCom's local service is provided over SusCom-owned local plant previously owned by RCN,

which is now connected to RCN's network for final completion to points within and without New York State.

As part of its efforts to upgrade its network and service offerings, SusCom will be changing its underlying network provider from RCN to MCI on or about February 5, 2005 (the "transition date"). Due to technical factors, however, MCI will be unable to provide underlying service to approximately 44 existing SusCom residential customers located in the Hopewell Junction Exchange in the service territory of Sylvan Lake. That exchange includes customers residing in the communities of Beacon, Billings, East Fishkill, Wappinger Falls, Hillside Lake, and Poughquag in Dutchess County, New York.

SusCom has developed a detailed plan, in accordance with rules of the New York State Public Service Commission, to assist these existing customers in their migration to other local exchange and toll service providers. SusCom has been working closely with Sylvan Lake, the incumbent local exchange carrier, in order to facilitate the transition of these customers from SusCom's service to that of Sylvan Lake. When replacement local service is provided by Sylvan Lake, or any other authorized local exchange carrier, these 44 customers will be able to change their toll carriers from SusCom to other carriers by presubscribing to whichever intra-LATA and inter-LATA toll carriers offer services to customers in that geographical area.

Those customers wishing to retain their existing telephone numbers will be able to do so through number portability.

Throughout the transition process, representatives of SusCom and Sylvan Lake are making themselves available to these customers to assure a smooth transition, without any disruption of local or toll service.

III. PROCEDURES REQUIRED BY SECTION 63.71 OF COMMISSION RULES

- (a) A copy of the Notices being sent to each of the affected SusCom customers, indicating that local exchange and toll services will be discontinued on February 5, 2005, are attached hereto as Exhibits A and B.

A copy of this application is being submitted to the New York State Public Service Commission and to the Governor of the State of New York, as well as to the Secretary of Defense, attention Special Assistant for Telecommunications, the Pentagon, Washington, D.C. 20301.

The Notice being sent to each affected customer complies with the criteria set forth in Section 63.71(a)(1)-(5), and includes the statement required by Section 63.71(a)(5)(i) of the Commission's Rules.

- (b) The following information is provided in accordance with the

requirements of Section 63.71(b) of the Commission's Rules:

(2) Information required by Section 63.71(a)(1)-(4):

- (1) The name and address of the carrier is Carmel Telephone Services, Inc. d/b/a SusCom, 140 East Market Street, York, Pennsylvania 17401.
- (2) The date of the planned service discontinuance is February 5, 2005.
- (3) The geographical area affected is the Hopewell Junction Exchange of Frontier Communications of Sylvan Lake, Inc., which consists of portions of the communities of Beacon, Billings, East Fishkill, Wappinger Falls, Hillside Lake, and Poughquag in Dutchess County, New York.
- (4) All local exchange and toll services (including intra-LATA, inter-LATA and international toll services) will be discontinued to these customers.
- (3) The affected customers will receive a minimum of two notices detailing the proposed discontinuance of service. The first notice, attached as Exhibit A, was sent on December 3, 2004. A second notice, attached as Exhibit B, will be sent approximately 30 days prior to the transition date. In addition, SusCom personnel will attempt to make direct

contact with each customer as needed, either by telephone or by personal visit, to work with the customer to arrange for replacement carriers.

- (4) SusCom is a non-dominant carrier with respect to all of the local and toll services to be discontinued.
- (5) In accordance with rules and procedures adopted by the New York State Public Service Commission, SusCom has submitted an Exit Plan in accordance with the New York Commission's Mass Migration guidelines, a copy of which is attached as Exhibit C. That Exit Plan details the reasons necessitating the discontinuance of service to these specific customers, and sets forth a comprehensive plan to assure that all affected customers receive adequate notice of the discontinuance of service, as well as direct assistance from SusCom personnel to assure that no hardship is encountered in transferring service to other local and toll carriers.

As indicated in that Exit Plan, SusCom is working closely with representatives of Sylvan Lake to assure a smooth transition, and Suscom will itself bear the cost of any of Sylvan Lake's tariffed transfer or local service establishment charges which might be incurred by these customers in

transferring service to Sylvan Lake. As such, none of these customers should experience any discontinuance of service or financial impact. Accordingly, SusCom's discontinuance of service will not negatively affect the present or future public convenience and necessity.

IV. CONTACT PERSONS FOR THIS APPLICATION

Questions or inquiries concerning this application may be directed to:

(1) counsel for SusCom:

Keith J. Roland, Esq.
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(2) for SusCom:

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V. CONCLUSION

For the reasons stated above, applicant respectfully submit that the public interest, convenience and necessity would be furthered by the grant of the within application.

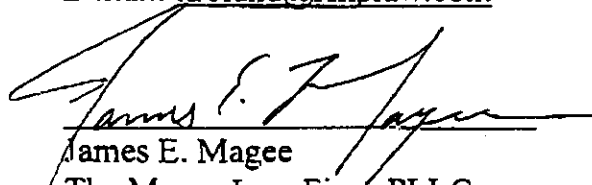
Respectfully submitted,

Carmel Telephone Services, Inc.
d/b/a SusCom

By:



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December 6, 2004

AFFIDAVIT

STATE OF PENNSYLVANIA)

COUNTY OF YORK)


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I, Daniel P. Templin, declare under penalty of perjury that I am Senior Vice President of Marketing and Product Management of SusCom; that I have read the foregoing and know the contents thereof; that the same are true to the best of my knowledge, except as to the matters which are therein stated on information or belief, and as to those matters I believe them to be true.

By: 

Daniel P. Templin
Senior Vice President

Subscribed and sworn to before me
this 3rd day of December, 2004


Notary Public

My Commission Expires: _____



EXHIBIT A



{Sample Name}
{Sample Address 1}
{Sample Address 2}
{City, State, Zip}

{Date}

IMPORTANT INFORMATION ABOUT YOUR SERVICE

Dear {Customer Name},

On February 5, 2005, SusCom will no longer be able to provide local, regional or long distance phone service to your home. The discontinuance is due to a change in our phone service partner and their current lack of an interconnection agreement with Frontier Communications of Sylvan Lake, the incumbent local exchange carrier in your community.

You will need to change your local and toll phone services prior to February 5th. We are working in cooperation with Frontier to make your transition as convenient as possible. SusCom has arranged to pay Frontier directly for the standard connection fee that Frontier would typically charge in this situation. Further, SusCom will waive any of its typical charges related to the disconnection of phone service. You will only be responsible for optional installation or wiring work that you may request from Frontier. You will be able to retain your current phone number, if you so choose or you may opt to have a new one issued from your new provider.

This change has no impact on your other SusCom services. Video and Internet services will continue to be offered without interruption. If you are enjoying a multi-service package discount that includes phone service today, SusCom will extend the discount to the remaining services.

When you select Frontier or another carrier for your local service, you will be able to designate toll carriers of your choice, other than SusCom.

For more information on this required phone service change, or to request service from Frontier, please contact either SusCom or Frontier at the appropriate toll-free number below:

SusCom Customer Care
1-866-4SUSCOM

Frontier Customer Service
(Dedicated SusCom Support)
1-800-796-0401 ext. 2128

Remember, you must arrange to transfer your service to other carriers by January 2, 2005, or you will experience loss of all telephone service on February 5.

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object you should file your comments within 15 days after receipt of this notification. Address them to Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of Carmel Telephone Services, Inc. d/b/a SusCom. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

We appreciate your selection of SusCom as your phone service provider and having had the opportunity to serve you. We anticipate having the ability to offer phone service in your community again in the future, and we hope you will consider us again at that time. Until then, we understand the inconvenience of switching providers and will do everything we can to support the process.

Sincerely,

Robert M. Burns
General Manager
SusCom – Southeastern New York

EXHIBIT B



{Sample Name}
{Sample Address 1}
{Sample Address 2}
{City, State, Zip}

{Date}

IMPORTANT INFORMATION ABOUT YOUR SERVICE

Dear {Customer Name},

On February 5, 2005, SusCom will no longer be able to provide local, regional or long distance phone service to your home. The discontinuance is due to a change in our phone service partner and their current lack of an interconnection agreement with Frontier Communications of Sylvan Lake, the incumbent local exchange carrier in your community.

You will need to change your local and toll phone services prior to February 5th. We are working in cooperation with Frontier to make your transition as convenient as possible. SusCom has arranged to pay Frontier directly for the standard connection fee that Frontier would typically charge in this situation. Further, SusCom will waive any of its typical charges related to the disconnection of phone service. You will only be responsible for optional installation or wiring work that you may request from Frontier. You will be able to retain your current phone number, if you so choose or you may opt to have a new one issued from your new provider.

This change has no impact on your other SusCom services. Video and Internet services will continue to be offered without interruption. If you are enjoying a multi-service package discount that includes phone service today, SusCom will extend the discount to the remaining services.

When you select Frontier or another carrier for your local service, you will be able to designate toll carriers of your choice, other than SusCom.

For more information on this required phone service change, or to request service from Frontier, please contact either SusCom or Frontier at the appropriate toll-free number below:

SusCom Customer Care
1-866-4SUSCOM

Frontier Customer Service
1-800-724-3713

Remember, you must arrange to transfer your service to other carriers by January 2, 2005, or you will experience loss of all telephone service on February 5.

We appreciate your selection of SusCom as your phone service provider and having had the opportunity to serve you. We anticipate having the ability to offer phone service in your community again in the future, and we hope you will consider us again at that time. Until then, we understand the inconvenience of switching providers and will do everything we can to support the process.

Sincerely,

EXHIBIT C

**CARMEL TELEPHONE COMPANY, INC. D/B/A SUSCOM
EXIT PLAN FOR DISCONTINUANCE OF SERVICE
TO CUSTOMERS IN THE HOPEWELL JUNCTION EXCHANGE
OF FRONTIER COMMUNICATIONS OF SYLVAN LAKE, INC.**

I. PRELIMINARY STATEMENT

Carmel Telephone Company, Inc. d/b/a SusCom (SusCom) currently provides facilities-based local exchange and toll service to customers in portions of Dutchess, Putnam and Westchester Counties. SusCom's service is provided over SusCom-owned local plant previously owned by RCN, which is now connected to RCN's network for final completion to points within and without the State.¹

As part of its efforts to upgrade its network and service offerings, SusCom will be changing its underlying network provider from RCN to MCI on or about February 5, 2005 (the "transition date"). Unfortunately, due to technical factors, MCI will be unable to provide underlying service to approximately 44 existing SusCom residential customers located in the Hopewell Junction exchange in the service territory of Frontier Communications of Sylvan Lake (Sylvan Lake).

¹ The Commission approved SusCom's acquisition of RCN assets, and its customer base, in an Order issued and effective on February 12, 2004. See Case 03-C-1684 - Joint Petition of RCN Telecom Services, Inc. and Carmel Telephone Services, Inc. for Approval of the Transfer of a Portion of RCN Telecom Services' Local and Long Distance Customer Base and Associated Assets to Carmel Telephone Services, Memorandum from the Office of Communications to the Commission, Filed Session of February 11, 2004 "Approved as Recommended and So Ordered by the Commission", issued and effective February 12, 2004.

Accordingly, it will be necessary for these 44 customers to transfer from SusCom's local exchange and toll service to other providers. One option for such customers is to take service from Sylvan Lake, the underlying incumbent local exchange carrier.² When local service is provided by Sylvan Lake, or any other competitor, these 44 customers will be able to change their toll carriers from SusCom to other carriers by presubscribing to whichever intraLATA and interLATA toll carriers offer services to customers in that geographical area.

The great majority of the telephone numbers utilized by these customers were originally Sylvan Lake numbers ported to RCN. The remaining customers utilize telephone numbers in the 845-592-3XXX exchange which is assigned to RCN. All of these customers will, if they choose, be able to retain their existing telephone numbers (through number portability), when transferring to replacement local exchange carriers. Or, at their option, they can accept a new telephone number within the code assigned to the replacement local exchange carrier.

Throughout this process, representatives of SusCom and Sylvan Lake will be available to these customers to assure a smooth transition, without any disruption of local or toll service.

² If any of these customers apply to Sylvan Lake for local service, Sylvan Lake will follow its standard procedures and criteria regarding such applications.

**II. DETAILS OF EXIT PLAN IN COMPLIANCE WITH THE COMMISSION'S
"ORDER ADOPTING REVISED MASS MIGRATION GUIDELINES" ISSUED
ON JANUARY 2, 2003, IN CASE 00-C-0188**

1. An initial letter describing SusCom's discontinuance of local and toll service, and the need for the affected customers to subscribe to replacement local and toll carriers, will be sent to these customers at least 60 days prior to the transition date. A sample of that initial letter is attached as Exhibit "A".

2. A follow-up notification will be sent to these customers either by direct mail or by bill insert approximately 30 days prior to the discontinuance of service. A sample of that correspondence is attached as Exhibit "B". In addition, SusCom personnel will attempt to make direct contact with each customer as needed, either by telephone or personal visit, to work with the customer in arranging for replacement carriers.

3. SusCom's discontinuance of service, and the transition date by which affected customers should have subscribed to replacement local and toll carriers, is February 5, 2005.

4. Customers will be instructed that the cut-off date by which affected customers must select replacement local and toll carriers is January 2, 2005. Shortly after that date, Sylvan Lake will notify SusCom of the customers who have elected to take service from Sylvan Lake. That will enable SusCom to arrange for direct and individual contact with its remaining customers to assure they are aware of the need to select another carrier. If a customer does not select replacement carriers on a timely basis, SusCom service will be terminated on February 5, except that soft dial tone, and a message directing the customer to customer service, will be provided.

5. The cut over and regulatory coordinators for SusCom, RCN and MCI, and a

contract for Sylvan Lake, are set forth in Exhibit "C".

6. SusCom has been coordinating this transfer with MCI, RCN and Sylvan Lake.

Because these services are currently being provided over the facilities of SusCom, there will not be any automatic "default" action taken by Sylvan Lake (or any other carrier) to begin providing service to these customers should they fail to choose a replacement carrier. Sylvan Lake will require that customers wishing to take local service from Sylvan Lake must contact the Sylvan Lake business office to make arrangements for the transfer of service. In order to implement service, Sylvan Lake will use its own local loop plant (instead of SusCom's plant) and Sylvan Lake personnel may be required to perform a premise visit.

7. SusCom, RCN and Sylvan Lake will coordinate with one another (as well as with any competing carrier selected by any of the 44 customers) so that requests by the affected customers transferring to Sylvan Lake or another local carrier, who desire to retain their existing telephone numbers (whether they originally came from Sylvan Lake or from the RCN code), will be able, through reassignment by Sylvan Lake or the provision of number portability, to continue using those telephone numbers in connection with local service provided by the replacement local carrier. RCN expects to return the 1,000 number block in the 845-592 code, from which a few of its former Hopewell Junction customers obtained numbers, to NANPA or, if authorized, to another carrier.

8. The affected customers are currently served by non-ILEC facilities, previously installed by RCN but now owned by SusCom.

9. SusCom believes that each affected customer has the ability to become a local exchange customer of Sylvan Lake. It is not known if any competitive local exchange carriers

are offering service in this market.

10. Approximately 44 SusCom customers will be affected by these transactions.

That number may decline, but not increase, by the start of the transition process.

11. The customer service records of these affected customers are kept in electronic format. Such records will be made available and transferred to Sylvan Lake (or any other local exchange competitor) designated as a replacement carrier by each affected customer, via manual transfer, i.e., by fax or e-mail.

12. These transactions will not involve any transfer of assets or control which requires Commission approval. Since there is no intention to transfer these customers to any specific replacement carrier, or to default these customers to the ILEC (Sylvan Lake), the FCC "slamming rules" applicable to bulk customer transfers are not applicable.

13. SusCom will modify its applicable tariffs, on 60 days' notice, to indicate that local exchange and toll services are not available to customers in the Hopewell Junction exchange. No other changes will be required to SusCom's tariffs as a result of this discontinuance of service.

14. SusCom will issue final bills to affected customers, to reflect credits and/or telephone service deposits for such customers. If monies are owed to these customers, payment will be made by SusCom within 30 days. SusCom will not enforce any termination liabilities or penalties for affected customers who are transferring to other local and/or toll carriers. SusCom will also reimburse these customers, or arrange for direct payment to Sylvan Lake, for any tariffed transfer or local service establishment charges imposed by Sylvan Lake or another carrier (not to exceed Sylvan Lake's tariffed charges).

15. Changes to the E-911 database will be made by Sylvan Lake or other replacement carrier when it processes a request by an affected customer for transfer to that carrier.

16. SusCom will maintain "soft dial tone" after the February 5, 2005, date of termination for a period of 30 days. In addition to having access to 911 service, customers will hear a message directing them to customer service.

17. SusCom will provide a list of the affected customers and contact information to Commission Staff.

III. EXHIBITS TO EXIT PLAN

Exhibit A	Letter to be sent to affected customers 60 days prior to transition date.
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Exhibit B	Letter to be sent to affected customers 30 days prior to transition date.
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Exhibit C	Contact names and telephone numbers for cut-over coordinators, regulatory contacts, and other pertinent contacts
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IV. PARALLEL FEDERAL APPLICATION

SusCom is not proposing to automatically transfer the affected customers, whose SusCom service will be discontinued, to any specific carrier. Similarly, there will be no "default

carrier" which will automatically provide service if a customer fails to take any action. The SusCom customers will be notified of the need to chose replacement local and toll carriers, and replacement carriers will be expected to following all required "slamming" procedures prior to transferring an affected customer to the replacement carrier's service.

Because SusCom will be discontinuing domestic services to the affected customers, SusCom will be filing a petition at the Federal Communications Commission requesting authority, pursuant to Section 214, to discontinue domestic service. FCC approval will be obtained prior to any discontinuance of service by SusCom.

EXHIBIT "C" CONTACT PERSONNEL

II. SusCom Contact Personnel

Regulatory/Operational Contact

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Senior Manager
MCI Converged Cable Solutions
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Email: cara.white@mci.com

Customer Service Contact

Denise Harris

Director of Customer Care

SusCom

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Fax: (717) 771-2681

Email: dharris@suscom.comCustomer Inquiry or Service Ordering

(866) 4SUSCOM

478-7266

www.suscom.com/SENYIII. RCN ContactsRegulatory

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RCN Telecom Services, Inc.

Director, Regulatory and External Affairs

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Manager, Business Development

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Fax: (609) 734-3875

email: saroosh.ahmed@rcn.netIV. Sylvan Lake ContactsRegulatory Contact

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Carrier Contact

Michael Burkis

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Legal Contact

Gregg C. Sayre

Tel: (585) 777-7270

Customer Service Contact

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Tel: (845) 783-5374

Customer Inquiry or Service Ordering

Frontier Business Office

Tel: (800) 724-3713

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McLean, VA 22101

Telephone: (703) 356-7500

Telecopier: (703) 356-6863

FACSIMILE COVER SHEET

December 10, 2004

To:	Telephone Number	Facsimile Number
Rodney McDonald	(202) 418-7315	(202) 418-2345

From: Jennifer A. Newberry

Client ID number	<u>0800.1000</u>	Number of Pages <u>INCLUDING</u> Cover:	<u>25</u>
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If there are any problems with this transmittal, please contact us at (703) 356-7500. Thank you.

Message:

Rodney – Per my voice-mail, attached is a date-stamped copy of the Section 63.71 Application that my office filed on behalf of Suscom on Monday, December 6, 2004. Please let me know if you have any questions.
Thanks. Jennifer

CONFIDENTIALITY NOTICE:

The document(s) accompanying this facsimile transmission contain confidential information. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile information is not permissible. If you have received this facsimile in error, please immediately telephone us at the number above to arrange for return of the document(s). Thank you.
